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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12+

Application Number

10/625,503

Filing Date

July 22, 2003

First Named Inventor

Randall J. Huebner

Art Unit

3732

Examiner Name

Attorney Docket Number

ACM 349

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request

Information Disclosure Statement  
(Supplemental)Certified Copy of Priority  
Document(s)Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

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Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

1. Form PTO-1449 (8 pages)
2. Foreign Patent Documents (3)
3. Other Documents (40)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

James R. Abney, Esq.

Date

February 28, 2005

Reg. No.

42,253

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lisa Holstein

Date

February 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: February 28, 2005

RANDALL J. HUEBNER, DAVID G. JENSEN,  
and HERBERT RESPESS

Serial No. : 10/625,503

Group Art Unit 3732

Filed : July 22, 2003

For : BONE FUSION SYSTEM

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir :

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicants are submitting this Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

## **CONTENT OF DISCLOSURE**

This Supplemental Information Disclosure Statement includes (1) eight pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

## **FOREIGN-LANGUAGE REFERENCES**

A concise explanation of the relevance of each listed reference not in the English language follows:

French Patent Document No. 742.618 - This document appears to disclose a bone plate and targeting guide, as illustrated in the figures.

French Patent Document No. 2 254 298 - This document appears to disclose a bone plate and bone screw, as illustrated in the figures.

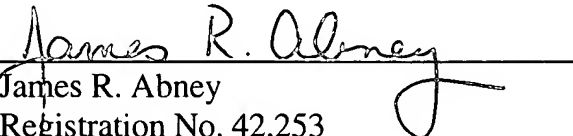
## **TIMING OF DISCLOSURE / FEE INFORMATION**

This Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Supplemental Information Disclosure Statement.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 28, 2005.

  
Lisa Holstein



INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 349		APPLICATION NUMBER 10/625,503		
		APPLICANTS Randall J. Huebner et al.				
		FILING DATE July 22, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2,500,370	3/14/50	McKibbin			
	3,741,205	6/26/73	Markolf et al.			
	3,842,825	10/22/74	Wagner			
	4,484,570	11/27/84	Sutter et al.			
	4,513,744	4/30/85	Klaue			
	4,651,724	3/24/87	Berentey et al.			
	4,794,918	1/3/89	Wolter			
	4,800,874	1/31/89	David et al.			
	4,867,144	9/19/89	Karas et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	WO 97/47251	12/18/97	WIPO			XX
	742.618	3/13/33	France			XX
OTHER DOCUMENTS						
	<i>Biological Plating: A New Concept to Foster Bone Healing</i> , Synthes (USA), 1991.					
	<i>Treatment by Plates of Anteriorly Displaced Distal Radial Fractures</i> , Ducloyer, <u>Fractures of the Distal Radius</u> , pp. 148-152, 1995.					
	<i>Management of Comminuted Distal Radial Fractures</i> , Jupiter et al., <u>Fractures of the Distal Radius</u> , pp. 167-183, 1995.					
	<i>Open Reduction of Intra-Articular Fractures of the Distal Radius</i> , Amadio, <u>Fractures of the Distal Radius</u> , pp. 193-202, 1995.					
	May Anatomical bone Plates: Plates, Bone Screws and Instruments brochure, pp. 3-4 and 10-15, Waldemar Link GmbH & Co., 1995.					
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	4,964,403	10/23/90	Karas et al.			
	5,147,361	9/15/92	Ojima et al.			
	5,234,431	8/10/93	Keller			
	5,531,745	7/2/96	Ray			
	5,586,985	12/24/96	Putnam et al.			
	5,601,553	2/11/97	Trebing et al.			
	5,607,426	3/4/97	Ralph et al.			
	5,665,089	9/9/97	Dall et al.			
	5,676,667	10/14/97	Hausman			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	2 254 298	7/11/75	France			XX
OTHER DOCUMENTS						
	Forte Distal Radial Plate System brochure, Zimmer, Inc., 1995.					
	<i>Design and Biomechanics of a Plate for the Distal Radius</i> , Gesensway et al., <u>Journal of Hand Surgery</u> , Vol. 20, No. 6, pp. 1021-1027, 1995 (abstract only provided).					
	<i>Fractures of the Distal Radius: A Practical Approach to Management</i> , Fernandez et al., pp. 103-188, 1996.					
	Titanium Distal Radius Instrument and Implant Set standard contents description pages, Synthes, March 1997.					
	<i>Prospective Multicenter Trial of a Plate for Dorsal Fixation of Distal Radius Fractures</i> , Ring et al., <u>The Journal of Hand Surgery</u> , Vol. 22A, No. 5, pp. 777-784, September 1997.					
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	5,951,557	9/14/99	Luter			
	5,968,047	10/19/99	Reed			
	6,022,350	2/8/00	Ganem			
	6,077,271	6/20/00	Huebner et al.			
	6,113,603	9/5/00	Medoff			
	6,123,709	9/26/00	Jones			
	6,129,730	10/10/00	Bono et al.			
	6,183,475	2/6/01	Lester et al.			
	6,197,028	3/6/01	Ray et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	Treatment of Displaced Intra-Articular Fractures of the Distal End of the Radius With Plates, Fitoussi et al., <u>The Journal of Bone and Joint Surgery</u> , Vol. 79, No. 9, pp. 1303-1312, 1997 (abstract only provided).					
	The Titanium Distal Radius Plate, technique guide, Synthes (USA), 1997.					
	TriMed Wrist Fixation System brochure, TriMed, Inc., 1997.					
	SCS/D Distal Radius Plate System brochure, Avanta Orthopaedics, 1997.					
	Intra-Articular Fractures of the Distal Aspect of the Radius, Trumble et al., <u>Journal of Bone and Joint Surgery</u> , Vol. 80A, No. 4, pp. 582-600, April 1998.					
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	6,221,073	4/24/01	Weiss et al.			
	6,358,250	3/19/02	Orbay			
	6,364,882	4/2/02	Orbay			
	6,508,819	1/21/03	Orbay			
	6,527,775	3/4/03	Warburton			
	6,595,993	7/22/03	Donno et al.			
	6,602,255	8/5/03	Campbell et al.			
	6,706,046	3/16/04	Orbay et al.			
	6,719,759	4/13/04	Wagner et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	<i>Complications of the AO/ASIF Titanium Distal Radius Plate System (<math>\pi</math> Plate) in Internal Fixation of the Distal Radius: A Brief Report, Kambouroglou et al., <u>Journal of Hand Surgery</u>, Vol. 23A, No. 4, pp. 737-741, July 1998.</i>					
	SCS/V Distal Radius Plate Volar brochure, Avanta Orthopaedics, 1998.					
	<i>Delayed Rupture of the Flexor Pollicis Longus Tendon After Inappropriate Placement of the <math>\pi</math> Plate on the Volar Surface of the Distal Radius, Nunley et al., <u>Journal of Hand Surgery</u>, Vol. 24, No. 6, pp. 1279-1280, November 1999.</i>					
	TiMAX Pe.R.I. Small Fragment Upper Extremity description pages, DePuy ACE Medical Company, 1999.					
	The Distal Radius Plate Instrument and Implant Set technique guide, Synthes (USA), 1999.					
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	6,730,090	5/4/04	Orbay et al.			
	6,767,351	7/27/04	Orbay et al.			
	Des. 404,128	1/12/99	Huebner			
	2002/0143338	10/3/02	Orbay et al.			
	2002/0151899	10/17/02	Bailey et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	<i>Outcome Following Nonoperative Treatment of Displaced Distal Radius Fractures in Low-Demand Patients Older Than 60 Years, Young, <u>Journal of Hand Surgery</u>, Vol. 25A, No. 1, pp. 19-28, January 2000.</i>					
	<i>Comparison of Three Different Plating Techniques for the Dorsum of the Distal Radius: A Biomechanical Study, Peine et al., <u>Journal of Hand Surgery</u>, Vol. 25A, No. 1, pp. 29-33, January 2000.</i>					
	<i>Distal Radial Metaphyseal Forces in an Extrinsic Grip Model: Implications for Postfracture Rehabilitation, Putnam et al., <u>Journal of Hand Surgery</u>, Vol. 25A, No. 3, pp. 469-475, May 2000.</i>					
	TriMed Wrist Fixation System internet description pages, TriMed, Inc., 2001.					
	Titanium Distal Radius Plates description page, Synthes (USA), 2001.					
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OTHER DOCUMENTS						
	Locon-T Distal Radius Plating System case study and surgical method, Wright Medical Technology, Inc., 2001.					
	<i>Open Reduction and Internal Fixation of Unstable Distal Radius Fractures: Results Using the Trimed Fixation System</i> , Konrath et al., <i>Journal of Orthopaedic Trauma</i> , Vol. 16, No. 8, pp.578-585, 2002.					
	Locon-T Distal Radius Plating System brochure, Wright Medical Technology, Inc., 2002.					
	<i>Distal Radius Fracture</i> , Tornetta, <i>Journal of Orthopaedic Trauma</i> , Vol. 16, No. 8, pp. 608-611, 2002.					
	<i>Comparison of Different Distal Radius Dorsal and Volar Fracture Fixation Plates: A Biomechanical Study</i> , Osada et al., <i>Journal of Hand Surgery</i> , Vol. 28A, No. 1, pp. 94-104, January 2003.					
	<i>Tendon Function and Morphology Related to Material and Design of Plates For Distal Radius Fracture Fixation: Canine Forelimb Model</i> , Turner et al., Orthopaedic Research Society, February 2003.					
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	<i>Fractures of the Distal Aspect of the Radius: Changes in Treatment Over the Past Two Decades, Simic, <u>Journal of Bone and Joint Surgery</u>, Vol. 85-A, No. 3, pp. 552-564, March 2003.</i>					
	<i>Palmar Plate Fixation of AO Type C2 Fracture of Distal Radius Using a Locking Compression Plate – A Biomechanical Study in a Cadaveric Model, Leung et al., <u>Journal of Hand Surgery</u>, Vol. 28B, No. 3, pp. 263-266, June 2003.</i>					
	<i>Functional Outcome and Complications Following Two Types of Dorsal Plating for Unstable Fractures of the Distal Part of the Radius, Rozental et al., <u>Journal of Bone and Joint Surgery</u>, Vol. 85, No. 10, pp. 1956-1960, 2003 (abstract only provided).</i>					
	<i>Fixation of Unstable Fractures of the Volar Rim of the Distal Radius with a Volar Buttress Pin®, Hooker et al., 2003.</i>					
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	<i>Results of Palmar Plating of the Lunate Facet Combined with External Fixation for the Treatment of High-Energy Compression Fractures of the Distal Radius</i> , Ruch et al., <u>J. Orthop. Trauma</u> , Vo. 18, No. 1, pp. 28-33, January 2004.					
	Synthes Volar Distal Radius Locking Plate internet description page, Orthocopia, LLC, 2004.					
	VAL Plate description page, US Implants, undated.					
	Esser Complete Distal Radius Plate System, undated.					
	Proximal Humerus Fractures operative technique, Esser, undated.					
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